

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85517 of 2023

Arising Out of PS. Case No.-83 Year-2012 Thana- ROH District- Nawada

1. Girdhari Mahto, S/O- Pyare Mahto, Resident of village- Barka Chamba, Barwa Tola, P.S.- Giddi, District- Hazaribagh
2. Sarita devi, W/O- Girdhari Mahto, Resident of village- Barka Chamba, Barwa Tola, P.S.- Giddi, District- Hazaribagh.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Vinay Ranjan, Advocate Mr. Abhishek Teerthankar, Advocate Mr. Ankit Kumar, Advocate
For the Opposite Party/s :		Mr.Narsingh Tanti, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Roh P.S. Case No. 83 of 2012 registered for the alleged offences under Sections 323, 307, 379, 376/511, 498A, 494 and 149 of the Indian Penal Code, Section 3/4 of Dowry Prohibition Act and Section 27 of the Arms Act.

3. The petitioners of this case were granted pre-arrest bail vide order dated 25.11.2016 passed in Cr. Misc. No.36764 of 2015 by a Coordinate Bench of this Court and they are stated to be the parents of the second wife of the husband of the informant.



4. The learned counsel for the petitioners submits that the petitioners are innocent persons and have not committed any offence. There was no allegation against the petitioners in the entire FIR. The petitioners are illiterate persons and living in remote area of Jharkhand and due to lack of proper communication, they could not surrender in terms of the order dated 25.11.2016. Being tribal, they could not understand the implication of the order communicated to them and they were under the impression that there was no requirement to surrender. The learned counsel further submits that it was the bonafide mistake on the part of the petitioners.

5. Learned APP opposes the prayer for anticipatory bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioners are said to be tribal people and there appears no serious allegation against them, the petitioners, above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 5,000/- (five thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate,



Nawada, in connection with Roh P.S. Case No. 83 of 2012, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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